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**Board of Vocational Nursing
and Psychiatric Technicians**

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8 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. VN-2008-612

11 **GEORGE C. KULANGARA**
12 **1604B West 253rd Street**
13 **Harbor City, CA 90710**
Vocational Nurse License No. VN 202919

A C C U S A T I O N

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in
19 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric
20 Technicians (Board), Department of Consumer Affairs.

21 2. On or about February 26, 2003, the Board issued Vocational Nurse License Number
22 VN 202919 to George C. Kulangara (Respondent). The Vocational Nurse License expired on
23 February 28, 2007, and has not been renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board under the authority of the following
26 laws. All section references are to the Business and Professions Code (Code) unless otherwise
27 indicated.

STATUTORY PROVISIONS

4. Section 2875 of the Code provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

5. Section 118(b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Board may renew an expired license at any time within four years after the expiration.

6. Section 2878 of the Code states:

"The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual nursing functions."

7. California Code of Regulations, title 16, section 2519, states:

"As set forth in Section 2878 of the Code, gross negligence is deemed unprofessional conduct and is a ground for disciplinary action. As used in Section 2878 'gross negligence' means a substantial departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent licensed vocational nurse, and which has or could have resulted in harm to the consumer. An exercise of so slight a degree of care as to justify the belief that there was a conscious disregard or indifference for the health, safety, or welfare of the consumer shall be considered a substantial departure from the above standard of care."

8. California Code of Regulations, title 16, section 2520, states:

"As set forth in Section 2878 of the Code, incompetence is deemed unprofessional conduct and is a ground for disciplinary action. As used in Section 2878 'incompetence' means the lack of possession of and the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by responsible licensed vocational nurses."

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

PATIENT A.J.

10. In or about March 2005, Respondent was employed as a licensed vocational nurse at the UCLA Medical Center (UCLA). Patient A.J. was admitted to UCLA on or about March 18, 2005 with a history of autoimmune hepatitis/pancytopenia. Laboratory values obtained on March 20, 2005 indicated abnormal PTT of 43.9 (normal 23.7 – 30.8), and PT of 27.8 (normal 8.9 – 10.7). On or about March 30, 2005, Patient A.J. received a transjugular liver biopsy at 1810 hours. The pathology report from the biopsy indicated massive hepatic necrosis/fulminant hepatic failure with liver failure secondary to autoimmune hepatitis. Physician orders written at 1815 hours following the biopsy included:

- (1) Check vital signs, puncture angio site and pulses of affected extremity, right neck, every 15 minutes x 4, every 30 minutes x 2, every 1 hour x 4;
- (2) If bleeding noted or hematoma enlarges apply direct pressure and call house staff stat;
- (3) If pulses decrease notify house staff stat.

11. On or about March 30, 2005, Respondent documented vital signs of Patient A.J. taken at 1849 hours and 2105 hours. At 1945 hours, Ling Ling Chang, R.N., documented the patient as lethargic with weak left and right pedal pulses with right and left tibial pulses absent. A neuro check conducted at 2020 hours indicated the patient's pupil sluggish and the condition was listed as coma, right and left hand grips absent, temperature of all extremities cool, shallow respirations with dyspnea. At about 2000 hours, Patient A.J. was intubated pursuant to a code blue, and transferred to the intensive care unit. A large hematoma was found on the neck crossing midline from the biopsy site and the patient's hematocrit was 10. Patient A.J. continued to be hypotensive, anuric, and emergent dialysis was commenced. Patient A.J. expired at 0758 hours on March 31, 2005 due to hemorrhage.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 12. Respondent is subject to disciplinary action under Code section 2878, subdivision
4 (a)(1) as defined under California Code of Regulations, title 16, section 2519 for gross negligence
5 in connection with his care of Patient A.J. in that he demonstrated a substantial departure from
6 the standard of care which, under similar circumstances, would have ordinarily been exercised by
7 a competent licensed vocational nurse, and which has or could have resulted in harm to the
8 patient. The circumstances are as follows and as alleged in paragraphs 10 – 11 above, which are
9 incorporated herein as though set forth fully:

10 13. On or about March 30, 2005, Respondent failed to follow physician orders to closely
11 monitor Patient A.J.'s vital signs, puncture site, signs and symptoms of bleeding, and/or notify
12 the physician of any changes in the patient's condition. Respondent documented vital signs taken
13 at 1849 hours and 2105 hours, more than 2 hours apart.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Incompetence)**

16 14. Respondent is subject to disciplinary action under Code section 2878, subdivision
17 (a)(1) as defined under California Code of Regulations, title 16, section 2520 for incompetence, in
18 that Respondent lacked the possession of and failed to exercise that degree of learning, skill, care
19 and experience ordinarily possessed and exercised by responsible licensed vocational nurses. The
20 circumstances are as alleged in paragraphs 10 – 13 above, which are incorporated herein as
21 though set forth fully.

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1 **PRAYER**

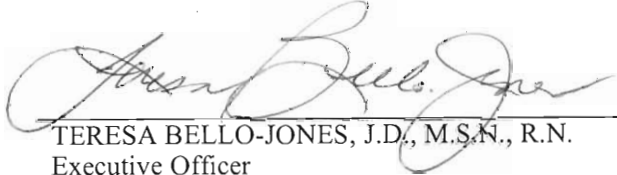
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
4 issue a decision:

5 1. Revoking or suspending Vocational Nurse License Number VN 202919, issued to
6 George C. Kulangara;

7 2. Ordering George C. Kulangara to pay the Board of Vocational Nursing and
8 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
9 pursuant to Business and Professions Code section 125.3;

10 3. Taking such other and further action as deemed necessary and proper.

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13 DATED: March 29, 2011


TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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